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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,050	04/06/2001	Petr Peterka	D02197	2207

43471	7590	06/23/2006

GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.
101 TOURNAMENT DRIVE
HORSHAM, PA 19044

EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,6,9,10,12,14,21 and 23* is/are pending in the application.

   4a) Of the above claim(s) *Claims 2, 3, 7,11,13,15 – 20, 22 and 24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,6,9,10,12,14,21 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Detailed Action

1.   This action is in response to the application filed 05/17/06.

2.   Claims 2, 3, 7,11,13,15 – 20, 22 and 24 have been cancelled and claims 1, 5, 6,

9,10,12, 14, 21 and 23 have been amended and are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 5, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mills USPN 6,055,560 (art of record) in view of Parthasarathy et al. USPN

6,347,398 B1 (hereinafter "Parathasarathy", art being made of record).

        Regarding claim 1, Mills discloses, a method A television set-top terminal (FIG1,

set top box. 108), comprising:

        a computer readable, medium having computer program code (2:55 – 57) ; and

        means for executing said computer program code to implement an Application

Programming Interface (API) wherein: (FIG. 2, API 152 and at 5:30 – 32), the means for

executing said computer program code being located in said set-top terminal (6:1 – 10,

see call backs and local behavior on the set top box), wherein;

application data which defines applications is recovered at the terminal according

to locators associated with the applications (5:57-64, see panel stacking and back track

(recover));

the applications are registered and installed at the terminal (8:2-6, see install and

download, also see 12:20 – 30 for update);

the API enables running and subsequent stopping of the applications (6:5-10,

see stop button); and

the API enables the retrieval of the applications as broadcasts software

applications (4:60 – 65, see queue and broadcast, also see 8:15 – 20 for retrieving);

the API enables pausing of the applications once they are running, and

subsequent resuming of the applications (5:10 – 15, see suspension and resume).

Although, Mills doesn't explicitly disclose that the API enables a user to be

notified of the presence of the application after registration and installation, he does

disclose providing the current state of a set top box which is maintained by the

application engine (5:20 – 30).

However, Parathasarathy in an analogous art and similar configuration discloses

in table on col. 12 – 13, that the client registers it status during a download and install

and also that the client receives notifications through the IbindStatusCallback interface it

has registered (col.12- 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine, Mills and Parathasarathy because it would enable

maintaining of status information of installed or registered applications on the set top

box.

Regarding claim 5, the terminal of claim 1, wherein:

said API is independent of an operating system and hardware of the terminal

(Mills, 5:32 – 36, see " without knowing the database language or which type of

database is being used...).

Regarding claim 21, the method version of claim 1, see rationale as previously

discussed above.

5.   Claims 6, 9, 10, 12,14 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mills USPN 6,055,560 (art of record) in view of Parthasarathy et al.

USPN 6,347,398 B1 and further in view of ITU-T/ ISO documents (hereinafter "ISO").

Regarding claim 6, Mills as modified by Parthasarathy discloses a television set-

top terminal (FIG.5, 108), comprising:

a computer readable medium having computer program code (2:55 – 57); and

means for executing said computer program code to implement an Application

Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (5:57-64, see panel stacking and back track (recover));

the applications are registered and installed at the terminal (8:2-6, see install and download); and

the API enables particular ones of the applications to advertise their respective states to other applications (5:20 – 25). Although, Mills and Parthasarathy doesn't explicitly disclose providing an ITU-T X.731 based mechanism for monitoring and controlling the applications, wherein said ITU-TX.731 is an international standard which defines management states, status codes and state transitions for manageable objects, he does disclose a telecommunication system utilizing X. 25 an earlier standard, see FIG. 5 and FIG. 6, 116, and associated text. However, ISO shows on page 4, that the X.731 is a Generic model for state management functions and has been around since (01/92).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Mills and Parthasarathy with ISO because, ITU-TX. 731 is a is a generic model for state management and would have enabled the system to be configured to more efficiently manage the application.

Regarding claim 9, the terminal of claim 6, wherein:

said API enables at least one of the other applications to access the advertised

state of at least one of the particular advertising applications (Mills, 5:20 – 25, see

current state).

Regarding claim 10, the terminal of claim 6, wherein:

said API enables retrieval of version information associated with the applications

(Mills, 8:1 – 5, see matching and retrieving appropriate panels to download).

Regarding claim 12, the terminal of claim 6, wherein: API enables verification of

the integrity of all of the applications (Mills,15:5 – 10, see "set top enabling code

verifies").

Regarding claim 14, the terminal of claim 6, wherein:

said API enables administrative locking and unlocking of the applications (Mills,

8:62 – 67, see lock bit).

Regarding claim 23, the method version of claim 6, see rationale as previously

discussed above.

Response to Arguments

6.   Applicant's arguments with respect to claims 1, 5, 6, 9,10,12, 14, 21 and 23 have

been considered but are moot in view of the new ground(s) of rejection.
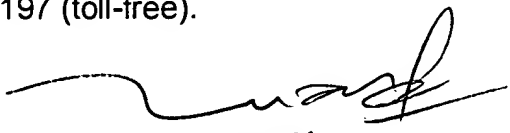

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chuck Kendall whose telephone number is 571-

2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

TUAN DAM
SUPERVISORY PATENT EXAMINER